



**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

JOHN ANTHONY CASTRO,
Plaintiff,

vs.

SC ELECTIONS COMMISSION
EXECUTIVE DIRECTOR HOWARD M.
KNAPP, SOUTH CAROLINA
REPUBLICAN PARTY, and DONALD JOHN
TRUMP,
Defendants.

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Civil Action No.: 3:23-4501-MGL

**ORDER ADOPTING THE REPORT AND RECOMMENDATION,
GRANTING DEFENDANTS' MOTIONS PERTAINING TO THE OPERATIVE
COMPLAINT, DISMISSING CASE IN FULL, AND DEEMING AS MOOT MOTIONS
AND REPORT AND RECOMMENDATION PERTAINING TO PRIOR COMPLAINT**

Plaintiff John Anthony Castro (Castro) filed this action against Defendants SC Elections Commission Executive Director Howard M. Knapp (Knapp), South Carolina Republican Party (Republican Party), and Donald John Trump (Trump) (collectively, Defendants). To clarify SC Elections Commission is not a separate Defendant, the Court has amended the caption to remove the comma from Knapp's party name.

This matter is before the Court for review of the Report and Recommendation of the Magistrate Judge (Report) recommending the Court grant all pending motions regarding the second amended complaint, dismiss the case in full, and deem as moot previous motions filed by the parties. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on February 12, 2024. To date, all parties failed to file any objections.

“[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845–46 (4th Cir. 1985).

The Court notes, since the Report was filed, the South Carolina Republican Primary occurred on February 24, 2024. Thus, certain of Castro’s claims are likely moot. In any event, this fails to disturb the Magistrate Judge’s recommendation of dismissal.

Accordingly, after a thorough review of the Report and the record in this case under the standard set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of the Court Knapp’s and Trump’s motions to dismiss the second amended complaint and the Republican Party’s motion for summary judgment are **GRANTED** and this case is **DISMISSED WITH PREJUDICE**. Knapp’s and Trump’s motions to dismiss the amended complaint, as well as the Magistrate Judge’s previous Report and Recommendation regarding those motions, are necessarily **DEEMED AS MOOT**.

IT IS SO ORDERED.

Signed this 1st day of April 2024, in Columbia, South Carolina.

s/ Mary Geiger Lewis
MARY GEIGER LEWIS
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.